Remarks/Arguments:

This Amendment adds no new claims, and is provided to amend claims 7, 10, 15, 19, 22, 30, 33, 34, 46 and 52. No new matter has been added. Upon entry of this Amendment, claims 5-18 will be pending. Claim 5 is independent.

Withdrawal of Finality

The Applicants request the withdrawal of finality of the current office action of November 9, 2007. The Applicants assert that there has been no previous examination on the merits of the application, and as such, it is not proper to make the current office action final, being the first action on the merits.

The Applicants assert that no earlier office action on the merits has been issued, and that the previous office communication of July 20, 2007, was an election/restriction requirement which is not an action on the merits under MPEP 810. Accordingly, the previous office communication of July 20, 2007 cannot be considered a first action on the merits, and no other office communication has been provided by the Examiner.

The Applicants believe that the Examiner intended, in the present office action, to make the *restriction* of July 20, 2007 final under MPEP 821.01, and that the finality of the current office action is a typographical error.

Accordingly, the Applicants request the withdrawal of finality of the current office action of November 9, 2007.

Claims

The Applicants have amended claims 7, 10, 15, 19, 22, 30, 33, 34, 46 and 52 to correct typographical errors only.

Rejections of the Claims under 35 U.S.C. 103

The Examiner has rejected claims 5-18 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0168178 of Rodriguez et al. (hereinafter Rodriguez) in view of U.S. Patent No. 5,684,998 of Enoki et al. (hereinafter Enoki). Specifically, regarding

claim 5, the Examiner points to Rodriguez as disclosing the claimed invention with the exception of the detection of the power off command and the subsequent detection of temporarily recorded image/sound signals in the temporary recording area. The Examiner points to Enoki as disclosing such detection, purportedly rendering obvious the invention as claimed by the Applicants in independent claim 5.

The Rodriguez reference describes a system and method for resource management at a digital home communication terminal device (DHCT), or set-top box. The system and method provides for a degree of priority establishment based on factors, such as download durations. Media content can be parsed and include header identification when stored in a storage device, which allows identification of the content for later retrieval (see 373 of Fig. 3A, and paragraphs 54 and 60). The storage device can include a first and second hard disk that can be divided into sectors by the storage device controller (see Fig. 3C, and paragraph 80). A file allocation table is created in each of the hard disks to store cluster and file information. The data is stored to the buffer spaces TSB of each disk, and is then either deleted or retained in permanent storage of each disk (see Fig. 4, and paragraphs 85 and 86). In the case of permanent storage, the Rodriguez reference describes the designation of the TSB clusters into permanent recording clusters, and then the re-designation of an equivalent number of unused clusters into TSB clusters to maintain normal operation of the TSB.

The Examiner points to Enoki in view of Rodriguez as disclosing the detection of a power off command and the subsequent detection of temporarily recorded image/sound signals in a temporary recording area, in addition to the permanent storage and re-allocation of clusters described by Rodriguez. The Enoki reference describes a system and method for controlling a computer system when a power off signal is received. A control unit is provided to determine a program status when a power off signal is received and a decision is made as to the storage of the program. To do so, the system and method provides a system status preserving unit 3002 which takes control when a power off is initiated. The preserving unit 3002 then stores the contents of the PSW and CPU, the memory, and all data needed to resume the system status, in a PSW field, CPU register field, memory field, and control unit

register field of a preserving hard disk, respectively (see Fig. 10, and col. 9, lines 62-67, to col. 10, lines 1-17).

In regard to steps for the storage of data between a temporary status and a permanent status, the Rodriguez reference describes the designation of the TSB clusters (temporary status) into permanent recording clusters (permanent status), and then the re-designation of an equivalent number of unused clusters into TSB clusters to maintain normal operation of the buffer spaces TSB of each disk.

In contrast, the Applicants recite a system and method having separate steps for first temporarily recording the image/sound signals and attribute information regarding the image/sound signals in a temporary recording area on the HDD, then recording the temporarily recorded image/sound signals and attribute information in non-recorded portions of a long-time period recording area of the HDD, rather than simply re-designating the temporary storage as long-term storage. That is, the Applicants recite a system and method of storage to first one area, and then storage to a second area of the HDD. In doing so, the separate areas of the HDD can be configured distinctly.

The Rodriguez reference describes a system and method wherein there is a single storage step of the data to the TSB (buffer) clusters, and then the re-designation of the TSB clusters into permanent recording clusters and the re-designation of an equivalent number of unused clusters into TSB clusters. There is no disclosure of the separate storage steps as recited by the Applicants in claim 5, but simply a single storage step followed by a number of re-designation steps.

Further, there is no disclosure in the Enoki reference of a system and method having separate steps for first temporarily recording the image/sound signals and attribute information regarding the image/sound signals in a temporary recording area on the HDD, then recording the temporarily recorded image/sound signals and attribute information in non-recorded portions of a long-time period recording area of the HDD. As noted above, the Enoki reference describes a system and method to store the contents of the PSW and CPU, the memory, and all data needed to resume the system status, in a PSW field, CPU register field, memory field, and control unit register field of a preserving hard disk, respectively.

The Enoki reference describes a system and method of complete content preservation at power off by storing all the contents of the PSW and CPU, the memory, and all data needed to resume the system status, in a preserving hard disk, without distinction of the temporarily stored data to be stored in a longer-period area. That is, the Enoki reference simply describes the storage of all the contents of the PSW and CPU, the memory, and all data needed to resume the system status (see col. 9, lines 65-67 to col. 10, lines 17). There is no disclosure of the separate storage steps for identifying and storing in a permanent manner only temporarily recorded data as recited by the Applicants in claim 5.

Accordingly, as the Rodriguez and Enoki references do not disclose or reasonably suggest, separately or in combination, each element of Applicants' claim 5, the Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. 103(a).

Regarding claim 6, the Examiner, in addition to the reasons stated above, further points to Rodriguez as disclosing steps for recording the temporarily recorded image/sound signals and attribute information in a non-recorded long-time period recording area of the HDD, purportedly rendering obvious the invention as claimed by the Applicants in claim 6.

However, as noted in the discussion above, the Rodriguez reference describes a system and method wherein there is a single storage step of the data to the TSB (buffer) clusters, and then the re-designation of the TSB clusters into permanent recording clusters and the re-designation of an equivalent number of unused clusters into TSB clusters. There is no disclosure of the separate storage step as recited by the Applicants in claim 6 (the storage to the temporary area, followed by the storage from the temporary area to the long-time period recording area of the HDD), but simply a single storage step followed by a number of re-designation steps

Further, for the reasons stated above, the Applicants assert that neither the Rodriguez nor Enoki references disclose or reasonably suggest, separately or in combination, each element of Applicants' claim 5, from which claim 6 depends. Accordingly, the Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. 103(a) of dependent claim 6 for the same reasons.

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Regarding claims 7-15, the Examiner, in addition to the reasons stated above, further points to Rodriguez as disclosing steps for generating and recording attribute information, purportedly rendering obvious the invention as claimed by the Applicants in claims 7-15.

However, for the reasons stated above, the Applicants assert that neither the Rodriguez nor Enoki references disclose or reasonably suggest, separately or in combination, each element of Applicants' claim 5, from which claims 7-15 depend. Accordingly, the Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. 103(a) of dependent claims 7-15 for the same reasons.

Regarding claims 16-18, the Examiner, in addition to the reasons stated above, further points to Enoki as disclosing steps for performing a power off function, purportedly rendering obvious the invention as claimed by the Applicants in claims 16-18.
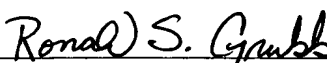
However, for the reasons stated above, the Applicants assert that neither the Rodriguez nor Enoki references disclose or reasonably suggest, separately or in combination, each element of Applicants' claim 5, from which claims 16-18 depend. Accordingly, the Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. 103(a) of dependent claims 16-18 for the same reasons.

Conclusion

In view of the above, it is believed that the application is in condition for allowance and notice to this effect is respectfully requested. Should the Examiner have any questions, the Examiner is invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

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